

Remarks

Applicants have received and carefully reviewed the Office Action mailed April 11, 2006. Claims 16-40 have been amended. Support for the amendments and new claim is found in the specification, claims, and drawings as originally filed. No new matter has been added. Reconsideration and allowance of the pending claims are respectfully requested.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 17-28, 30, 31, and 33-40 are rejected as being indefinite for depending from a canceled claim. The claims have been amended to correct the dependencies. No new matter has been added. Reconsideration and withdrawal of the rejection are respectfully requested.

Rejections under 35 U.S.C. § 102(b)

Claims 16, 29, and 32 are rejected as being anticipated by Ng (US 5,731,832). Regarding independent claims 16 and 29, the Examiner asserts that Ng teaches a method for detecting an object in an area comprising the steps of capturing a reference image of the area without the object present wherein the area includes a patterned background with both light and dark areas, capturing a live image and determining if the object is present by comparing the reference image and live image (emphasis added). The Examiner points to FIGS. 6A-6C and column 9, lines 27-28, 37-39, and 42-48 for support. Applicants respectfully traverse the rejection.

Ng appears to show capturing a reference image with and/or without the object, but Ng does not appear to teach anything with regard to a patterned background with both light areas and dark areas. With reference to Figures 6A-6C, column 9, lines 27-28 and 37-39 of Ng recite:

FIG. 6A will be referred to as the reference frame and FIG. 6B will be referred to as the current frame...For example, the reference frame may be taken when no vehicles are in the area and is not replaced by successive frames.

Thus, the Examiner must be taking the position that the background in Figure 6A, which presumably includes a background landscape scene behind the car, includes a "patterned

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background". However, Applicant questions whether a background landscape scene behind a car can be considered a "patterned background", as discussed in the present specification. In any event, and to further clarify, claim 16 has been amended to recite:

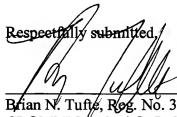
capturing a reference image of the area without the object present, wherein the area includes an intentionally patterned background with both light areas and dark areas, wherein the light areas and dark areas have an intended interrelationship;

Clearly, Ng does not suggest capturing a reference image of the area without the object present, wherein the area includes an intentionally patterned background with both light areas and dark areas, wherein the light areas and dark areas have an intended interrelationship. If anything, the background landscape scene of Ng would simply be whatever happens to behind the car in the monitored area. Ng clearly does not teach or suggest providing an intentionally patterned background with both light areas and dark areas, wherein the light areas and dark areas have an intended interrelationship behind the car in Figures 6A-6C. Further, Ng does not provide any motivation, suggestion, or guidance for modifying his method to include a patterned background. For these and other reasons, claim 16 is believed to be clearly patentable over Ng. For similar and other reasons, claims 17-40 are also believed to be clearly patentable over Ng.

Reconsideration and reexamination are respectfully requested. It is submitted that, in light of the above remarks, all pending claims are now in condition for allowance. If a telephone interview would be of assistance, please contact the undersigned attorney at 612-359-9348.

Respectfully submitted,

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Brian N. Tufte, Reg. No. 38,638
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, MN 55403-2402
Telephone: (612) 677-9050
Facsimile: (612) 359-9349